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2013

# Book Review. Epstein, L., et. al., The Behavior of Federal Judges: A Theoretical and Empirical Study of Rational Choice

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### Recommended Citation

Ahlbrand, Ashley A., "Book Review. Epstein, L., et. al., The Behavior of Federal Judges: A Theoretical and Empirical Study of Rational Choice" (2013). *Articles by Maurer Faculty*. Paper 1474.  
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Epstein, Lee, William M. Landes, and Richard A. Posner. *The Behavior of Federal Judges: A Theoretical and Empirical Study of Rational Choice*. Cambridge, Mass.: Harvard University Press, 2013. 422p. \$49.95.

*Reviewed by Ashley Ahlbrand\**

¶1 Attorneys represent clients in their courtrooms. Students and scholars study their decisions. Colleagues in lower courts follow their precedents. By all accounts, federal judges hold a tremendous amount of power. Theories abound surrounding judicial opinion making—legalism, realism, and the economics of law are just a few. In *The Behavior of Federal Judges: A Theoretical and Empirical Study of Rational Choice*, scholars Lee Epstein and William Landes and Judge Richard Posner reveal the results of an extensive study into federal judicial decisions—an effort to understand the many motives that influence judges' thinking. Looking at decisions from all levels of the federal judiciary, group dynamics, and individual influences, each chapter of this book builds to a thorough study of judicial decision making.

¶2 While statistical analysis is not everyone's favorite read, the book is intended to be useful not only to academics, but also to attorneys and law students seeking to better understand judges. Thus, it is meant to be approachable even by those with no background in statistics. This goal notwithstanding, these are not beginner's statistics; the pages are filled with complicated equations, ever-changing dependent and independent variables, and a statistical vocabulary best suited to someone well versed in the subject. As a novice statistical researcher, I often found myself a little overwhelmed by the content. However, the authors do stay true to their intent by providing straightforward explanations of their findings and many charts and tables describing their results. Even as a novice, I found I could understand their results without a full understanding of their process.

¶3 Perhaps the best tools in this book are those features that sandwich the main content. The book begins with two introductions, a general introduction that introduces the subject, and a technical introduction that highlights and defines key statistical terms to be used throughout the text. These two introductions provide sufficient context to prepare the reader for the analysis that follows. For those readers planning to conduct their own studies of judicial decision making, this book provides a wealth of helpful resources. Throughout the book the authors refer to several preceding studies that examined various aspects of judicial decision making and demonstrate how their study differs from and improves upon what has come before; many of these previous studies resulted in databases of judicial statistics

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that the authors identify and at times correct. In addition, several chapters are accompanied by extremely helpful appendixes, providing further information on the content of the chapter and identifying resources for supplemental research. The book concludes with a thorough index. In essence, this book provides not only a wealth of interesting research and results, but also the data and resources a reader would need to expand this research further.

¶4 All three authors are well known in the study of law, particularly in the analysis of judicial decision making and the interplay of law and economics. As they make clear in their first chapter, and indeed throughout the entire book, their study fits within and builds upon the empirical literature on judicial decision making that has come before. Theirs is not a novel genre of research, but rather an extension and expansion of previous studies. The authors reference several of these studies throughout the book, drawing on data compiled by previous scholars to help further their research. This constant reference to and incorporation of previous works in the field leaves the reader confident that this book appropriately adds to and fits in with other works in this area.

¶5 While I found this book to be an interesting read, I cannot claim that it is a page-turner you will not be able to put down. Rather, each chapter reads like its own empirical research project, heavy and dense, but also rich with data and fascinating conclusions about various aspects of decision making at multiple levels of the federal judiciary. This book would be a great asset for any law library, but especially for academic libraries serving scholars whose research focuses on courts and the process of and influences on judicial decision making. The research conducted here has bearing on not only the scholarly work of academics, but also the study and practice of law. The analysis described will certainly inspire further research in this field and influence the future study of judicial decision making.

Friedland, Paul. *Seeing Justice Done: The Age of Spectacular Capital Punishment in France*. New York: Oxford University Press, 2012. 334p. \$65.

*Reviewed by Susan Gaultier\**

¶6 *Seeing Justice Done: The Age of Spectacular Capital Punishment in France* begins with a description of a horrific and infamous crime: in the winter of 1386, in the French town of Falaise, an intruder entered a man's home, discovered an infant lying in a crib, and, starving after the brutal winter, began eating the child, taking bites directly out of its face. Having thus set the tenor of his narrative, author Paul Friedland goes on to describe the details of the perpetrator's sentencing and execution, which amounted to the usual punishment for one convicted of homicide: being dragged through the streets of Falaise before being hanged at the place of justice. The punch line? The murderer in the story was not a human being, but a sow owned by a neighboring towns person.

¶7 Although the sentencing and punishment of animals was not uncommon during the fourteenth century, and although no written evidence of the incident

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